

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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SHAHEED TAALIB'DIN MADYUN,

ORDER

Plaintiff,

08-cv-30-bbc

v.

CAROL COOK,

Defendant.

- - - - -

In an order dated August 15, 2008, dkt. #79, I granted plaintiff's petition for a writ of habeas corpus ad testificandum for James Gierke, who plaintiff represented was incarcerated at the Waupun Correctional Institution. At the time he asked this court to issue the writ, plaintiff averred that he had obtained an agreement from Gierke to testify voluntarily.

After the clerk of court issued the writ, staff at the Waupun prison notified the court that Gierke is no longer incarcerated. A review of the online state inmate locator service confirms that Gierke is now on community supervision. Thus, the writ is no longer necessary and no further action is required by the court. When an unincarcerated witness is testifying voluntarily, "[i]t is the responsibility of the party who has asked an

unincarcerated witness to come to court to tell the witness of the time and date of trial. No action need be sought or obtained from the court.” Procedures for Calling Witnesses to Trial, attached to Order dated July 10, 2008, dkt. #55,

ORDER

IT IS ORDERED that the writ of habeas corpus ad testificandum for James Gierke is QUASHED because Gierke is no longer incarcerated.

Entered this 3rd day of September, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge